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February 9, 2015

VIA HAND DELIVERY & E-FILING

Honorable James B. Zagel  
U.S. District Court, Northern District of Illinois  
Everett McKinley Dirksen U.S. Courthouse  
219 South Dearborn Street, Chambers 2588  
Chicago, IL 60604

Re: *U.S. Futures Exchange, L.L.C. v. Board of Trade of the City of Chicago*  
Case No. 1:04-CV-6756

Dear Judge Zagel:

On behalf of Plaintiffs, U.S. Futures Exchange, L.L.C., and U.S. Exchange Holdings, Inc., I write concerning the scheduling of the Rule 30(b)(6) deposition of Defendants ordered by your Honor at the hearing on December 11, 2014. Specifically, as your Honor may recall, at the December hearing the Court granted Plaintiff's Motion to Compel Testimony in Response to Plaintiffs' Notice of 30(b)(6) Deposition on Topics Related to the Destruction of Documents (Dkt. No. 515). In addition, the Court requested that the deposition take place "here in the courtroom so that I can listen to it myself." (Ex. A: 12/11/14 Transcript of Proceedings, p. 17.)

Despite reasonable requests by Plaintiffs, Defendants have failed to offer *any* proposed dates for the deposition. In their last communication on the topic, counsel for Defendants said he would "check with the lucky winner of the witness lottery and get back with you," but he never did. (Ex. B: 1/27/15 email from Hogan to Kliebard.) Nor did Defendants' counsel respond to a subsequent request from last week. (*Id.*) In order to move this process forward Plaintiff thought it would be helpful for the parties to know which dates and starting times would work for the Court. At this point dates in the last week of February or the first two weeks of March are most likely to work for the parties. If the Court can provide some available dates, I can then confer with Defendants' counsel and apprise the Court of the agreed-upon date and time.

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On behalf of Plaintiffs, I appreciate your consideration of my request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth M. Kliebard", written over a horizontal line.

Kenneth M. Kliebard

KMK/h  
Enclosures

cc:     Albert L. Hogan, III (via E-Filing)  
         Jason T. Manning (via E-Filing)  
         Jerold E. Salzman (via E-Filing)